



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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October 16, 2017

Via ECF

Honorable Michael A. Shipp, U.S.D.J.
U.S. District Court
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, N.J. 08608

Re: Equal Employment Opportunity Commission v. City of Long Branch
Civil Action: 3:15-cv-01081-MAS-TJB

Dear Judge Shipp,

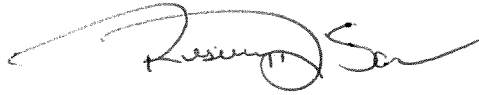
In accordance with the October 16, 2017 text order (Dkt. 21) and Local Rule 79.4, the EEOC hereby submits the attached proposed order implementing the mandate issued by the Third Circuit.

In vacating and remanding the order issued by Your Honor on March 21, 2016 (Dkt. 12), the Third Circuit provided that “[t]he District Court may consider the [EEOC’s] motion to enforce [the subpoena] in the first instance or it may treat the Magistrate Judge’s order as a report and recommendation and allow the parties the opportunity to object.” Dkt. 16, pg. 15.

In accordance with the Third Circuit’s opinion, the EEOC proposes that the Court consider the EEOC’s motion to enforce the subpoena in the first instance. Dkt. 16, pg. 15. In part, this is because the Third Circuit’s opinion discusses certain substantive issues that the parties should have an opportunity to address before the Court issues a decision in this matter. Therefore, the EEOC also proposes an opportunity for supplemental briefing in order to permit the parties to address the substantive issues raised in the Third Circuit’s opinion. A briefing schedule is set forth in the proposed Order.

Alternatively, should the Court decide to treat Magistrate Judge Bongiovanni’s order as a report and recommendation, the other option provided for by the Third Circuit opinion (Dkt. 16, pg. 15), the EEOC requests that the parties be granted an opportunity to file objections to Judge Bongiovanni’s Order within 14 days after entry of an order from the Court.

Respectfully,

A handwritten signature in black ink, appearing to read "Rosemary DiSavino". The signature is fluid and cursive, with a large, stylized "R" and "S".

Rosemary DiSavino

cc: Emery J. Mishky